

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-04
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
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USMISSION GENEVA
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
AMEMBASSY PRETORIA
USMISSION USUN NEW YORK

LIMITED OFFICIAL USE CAPE TOWN 0597

E.O. 11652: N/A
TAGS: SOCI SHUM PINS PINT SF
SUBJ: SAG DEFERS SQUATTER EVICTIONS, SEEKS NEW LEGISLATION

REF: A) CAPE TOWN A-15, MARCH 1 (NOTAL)
B) CAPE TOWN 349 (NOTAL)

SUMMARY. SAG APPEARS TO HAVE MADE A TACTICAL WITHDRAWAL
IN ITS EFFORTS TO EVICT SOME 5,000 CAPE TOWN SQUATTERS
WHILE PREPARING LEGISLATION THAT WILL GIVE IT A FIRMER
HAND IN ANY FUTURE EVICTION EFFORTS. END SUMMARY.

1. REF B NOTED THAT A CAPE TOWN SUPREME COURT JUSTICE
GRANTED INTERIM INJUNCTION MARCH 7 RESTRAINING PUBLIC
WORKS DEPT (PWD) OFFICIALS FROM EVICTING RESIDENTS OF
MODDERDAM CAMP OUTSIDE CAPE TOWN AND GIVING PWD UNTIL
APRIL 19 TO SHOW CAUSE WHY INJUNCTION SHOULD NOT BE
MADE FINAL. WHEN COURT CONVENED APRIL 19, ATTORNEY FOR
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SQUATTERS TOLD JUDGE HE WAS WITHDRAWING REQUEST FOR
FINAL INJUNCTION IN VIEW OF UNDERTAKINGS BY THE MINISTER
NOT TO IMPLEMENT EVICTION NOTICES IN QUESTION. STATE
WAS ORDERED TO PAY COURT COSTS.

2. AT SAME TIME, HOWEVER, MINISTER OF COMMUNITY DEVEL-
OPMENT MARAIS STEYN HAS ANNOUNCED HE WILL INTRODUCE

AMENDMENT TO EXISTING LEGISLATION ON SQUATTING THAT WILL
(A) EXTEND AUTHORITY OF ANY LANDOWNER TO DEMOLISH
STRUCTURES ERECTED WITHOUT HIS PERMISSION, (B) ABOLISH
THE PRESENT REQUIREMENT THAT SEVEN DAYS NOTICE OF INTENTION
TO DEMOLISH BE GIVEN, AND (C) REQUIRE ANY LITIGANT
CHALLENGING AN EVICTION TO PROVE HIS OR HER TITLE OR
RIGHT TO BE ON THE LAND IN QUESTION.

3. IN OTHER ACTION AFFECTING SQUATTERS, STELLENBOSCH
DIVISIONAL COUNCIL, WHICH WAS EARLIER EXCORIATED BY A
CAPE SUPREME COURT JUSTICE FOR "FLAGRANT CONTEMPT" OF
LAW (REF A) IN DEMOLISHING 94 SHANTIES AT KRAIFONTEIN
WITHOUT PRIOR NOTICE, HAS ABANDONED ITS APPEAL AGAINST
COURT-ORDERED REBUILDING OF THE SHANTIES AND HAS BEGUN
RE-ERECTING SOME OF THEM. ATTORNEYS DESCRIBE ATTITUDE
OF OFFICIALS AS "HELPFUL AND CONSTRUCTIVE" WHEREAS
PREVIOUSLY IT HAD BEEN "OBSTRUCTIVE".

4. ATTORNEY FOR SQUATTERS TOLD CONGENOFF HE WAS "SUR-
PRISED" AT SAG DECISION NOT TO CONTEST APPLICATION FOR
INJUNCTION SINCE APPLICATION TURNED ON QUESTION OF
WHETHER NOTICE GIVEN BY PWD WAS "ADEQUATE" AND ULTI-
MATELY SAG WOULD NO DOUBT HAVE BEEN ABLE TO ESTABLISH
THAT SQUATTERS' PRESENCE WAS IN VIOLATION OF LAW. SAG
DECISION PROBABLY RESULTS PRIMARILY FROM DESIRE TO ALLOW
A FURTHER "COOLING OFF" FOLLOWING SEVERE AND PROLONGED
PUBLIC CRITICISM AROUSED BY INITIAL EVICTION EFFORTS.
HOWEVER, THERE IS EVERY INDICATION THAT SAG INTENDS
ULTIMATELY TO PROCEED WITH CLEARANCE OF MODDERDAM AND
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OTHER LARGE SQUATTER SITES NOT ONLY BECAUSE OF INTENTION
TO UTILIZE THE LAND BUT AS PART OF A DETERMINED POLICY
TO STRICTLY LIMIT THE NUMBER OF BLACKS RESIDENT IN THE
WESTERN CAPE. NEW AMENDMENT OF SQUATTING LEGISLATION
ANNOUNCED BY STEYN APPARENTLY IS DESIGNED TO PLUG LEGAL
LOOPHOLES THAT IMPEDED GOVERNMENT ACTION IN MODDERDAM
AND KRAIFONTEIN CASES. ONCE THIS NEW LEGISLATION IS
PASSED, SAG CAN BE EXPECTED MAKE NEW EFFORTS TO REMOVE
SQUATTERS WITH MAJOR QUESTION BEING THE TIMING OF SUCH
RENEWED EFFORTS. BOWDLER

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